

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
May 5, 2015
Burleigh H Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call

Acceptance of the minutes of the April 7, 2015 Town Council Regular Meeting

Open Public Communications

Councilor Communications

Town Manager Report

School Committee Report

Public

Hearing #1

On

Item # 8910 Public Hearing on a proposal to amend the Land Use and Development Code to allow airstrips, including runways and landing strips.(Admin. Spon.)

Proposed

Order # 8910 Whereas, the Town of Gorham has a Land Use Ordinance that does not define airstrips.
and
Whereas, the Towns Staff has relied on a prior interpretation made by the Code Enforcement Office to determine airstrips are allowed as an ancillary use,
and
Whereas, the Town Council has not established a policy on this subject,
and
Whereas, it is in the best intent of the Community for a clear policy to be established by the Town Council,
and
Whereas, the proposal had gone through multiple changes over an extensive period of time, particularly with the side setback requirements and license fees,
and
Whereas, the proposal was sent back to the Planning Board for a new Public Hearing on April 6, 2015,
and
Whereas, the Planning Board has recommend approval, with a revised side setback.
Now Therefore Be It Ordered that the Town Council approve the following:

Chapter I: Zoning Regulations, Section V – Definitions:

Airstrip (includes Runways and Landing Strips): An area of land that is used or intended to be used for the landing and takeoff of aircraft. Airstrips shall not be allowed or considered an accessory use to any other use and shall only be allowed in those zoning districts where they are listed as a permitted or special exception use and shall be subject to the performance standards in Chapter II, Section XIV.

Runways: See Airstrips.

Amend Chapter I, Section VII – Suburban Residential District, B. Permitted Uses

17) Airstrip

Amend Chapter I, Section VIII – Rural District, B. Permitted Uses

22) Airstrip

Chapter II: General Standards of Performance, Section XIV – Airstrip: Any airstrip use shall meet the following standards and limitations:

- 1) Site plan approval by the Planning Board is required prior to the construction of an airstrip and start of the airstrip use.
- 2) Only one airstrip is permitted per lot and the airstrip surface shall be limited to grass only.
- 3) The length shall be a minimum of 500' and a maximum of 2,000'.
- 4) The edges of the airstrip shall meet the following setbacks from abutting property lines:
 - a. The ends of the airstrip shall be set back at least 250' from the property line.
 - b. The sides of the airstrip shall be set back at least 100' from the property line.
- 5) Planes using the airstrip shall be limited to visual flight operations and shall only operate between dawn to dusk.
- 6) There shall be no lighting of the airstrip or any control tower, except for low intensity landscape lighting utilized to identify the perimeter of the airstrip, and which is activated only for approach and take-off.
- 7) Planned touch and go landings are prohibited on the airstrip.
- 8) The use of the airstrip is limited to personal use by the owner of the property and shall not be used for any commercial uses including but not limited to, sky-diving, flying lessons, rental of aircraft or landing rights, or commercial maintenance or repair of aircraft.
- 9) The airstrip may not serve more than one lot nor shall deeded rights be granted in the airstrip to others.
- 10) Only the lot owner's aircrafts are allowed to be stored on the lot for longer than 72 hours. A maximum of three (3) aircraft can be stored on a lot at any one time. The storage of aircraft can either be outdoors or in an airplane hanger.
- 11) The aircraft storage area shall be adequately buffered from abutting residential properties. Airplane storage areas must comply with the following standards:
 - a. Airplane storage buildings visible from abutting properties shall be designed so the façade of the building materials is compatible with surrounding

- properties.
- b. Outside airplane storage areas shall be buffered from abutting properties by one of the following standards:
 - i. A native buffer strip consisting of at least fifty (50) feet of existing native trees, shrubs, and/or topography. The buffer area must contain enough low growth vegetation to effectively break up the storage area or the Planning Board may require a solid fence at least 6' in height be installed until such time as the low growth vegetation is adequate.
 - ii. A landscaped buffer strip of at least thirty (30) feet in width and consisting of a mix of plants, shrubs, and trees reaching an ultimate height of not less than (20) twenty feet and shall be planted and maintained. The Planning Board may require a solid fence be installed at least 6' in height until such time as the landscaped buffer vegetation is sufficiently sized to buffer the airplane storage area.
 - iii. The Planning Board may, if requested by the applicant, approve an alternate screening plan which makes use of other methods to ensure that the view of the airplane storage area is adequately buffered from abutting properties.
- 12) The airstrip shall receive all necessary Federal and State approvals prior to final site plan approval by the Planning Board.
- 13) The storage of airplane fuel shall be limited to not more than 500 gallons and the applicant shall receive all required State and Federal permits prior to final site plan approval by the Planning Board.
- 14) The applicant shall apply for a yearly airstrip license and pay any applicable Town license fee, as the Town Council may from time to time establish by Council order, to the Code Enforcement Office, prior to January 31st. The Code Enforcement Office shall inspect the site yearly to ensure compliance with this section and the approved site plan.

Chapter IV: SITE PLAN REVIEW

SECTION II – APPLICABILITY

- 11) The establishment of an airstrip use.

SECTION III – CLASSIFICATION OF PROJECTS

- 2) Major Development –
a. The establishment of an airstrip use.

Public
Hearing #2
on

Item # 8911 Public hearing on a proposal to update the Towns Life Safety Code from the NFPA 101 2003 Life Safety Code to the NFPA 101 Life Safety Code used by the State of Maine. (Ordinance Com. Spon. 3-0)

Proposed
Order #8911

Whereas, the Town currently uses the 2003 version of the NFPA 101 Life Safety Code, and
Whereas, the State currently uses the 2009 version of the NFPA 101 Life Safety Code and is considering adopting a most recent version, and
Whereas the State's Life Safety Code will prevail whenever there is a conflict, and
Whereas, all applications for commercial development must be reviewed under the States version of the NFPA 101 Life Safety Code, and
Whereas, having Developers, Architects, Engineers and Staff working with two versions of the Life Safety Code is a burden and can be confusing, and
Whereas, if the Town has the same Code as the State, the Town will be able to provide final interpretations regarding most questions about the Code and respond quicker than the State, thereby maximizing local control and provide a service to developers by saving time,
Now Therefore, Be It Ordered that the Town Council adopt the 2009 version of the NFPA 101 Life Safety Code, currently used by the State, and
Be It Further Ordered, that if the State adopts a new version of the Life Safety Code by October 31, 2015, the Town automatically adopts the same version that the State adopts.

Public Hearing #3
on

Item #8912 Public Hearing on a renewal of a liquor license for Aranark Education Services. (AdminSpon.)

Proposed
Order #8912

Ordered, that the Town approve the renewal of a liquor license for Aramark Educational Services located at USM 37 College Ave.

Item # 8913 Action to consider a proposal to purchase the Town's property at 10 Preble Street. (Admin. Spon.)

Proposed
Order # 8913

Ordered, that the Town Council accept a bid from Doug and Holly Carter to purchase the Town property at 10 Preble Street.

Item # 8914 Action to consider endorsing the concept of developing the Ecomaine parcel of land on lower Main Street. (Admin. Spon.)

Proposed

Order # 8914 Ordered that the Town Council endorse the concept of developing the Ecomaine parcel of land on lower Main Street, as proposed in the letter of April 22, 2015 from Jon and Dan Shaw, representing the Shaw Brothers Family Foundation, which includes providing access to the Presumptscot River with parking, constructing public walking trails, revitalizing hay fields, reserving road frontage on Rt. 25 for a local farmers market and associated commercial uses that would pay local property taxes.

Item # 8915 Action to consider authorizing funds to provide road marking for crosswalks, parking stalls, center lines, etc. in Gorham Village as soon as possible. (Admin. Spon.)

Proposed

Order # 8915 Ordered that the Town Council appropriate \$1425 from the Gorham Village Parking Improvements Reserve Fund to provide funds for road marking in Gorham Village as soon as possible.

Item # 8916 Action to consider accepting the resignation of Dick Carter from the Board of Directors of the Gorham Economic Development Corporation.(Admin. Spon.)

Proposed

Order # 8916 Ordered, that the Town Council accept the resignation of Dick Carter from the Board of Directors of the Gorham Economic Development Corporation, and Be it Further Ordered that the Town Council express its sincere appreciation for the years of service provided by Dick Carter to the Town of Gorham.

Item # 8917 Acton to consider a proposal to amend the Narragansett Development District.(Ordinance Committee Spon. 3-0)

Proposed

Order # 8917 Ordered, that the Town Council refer a proposal, to amend the Narragansett Development District, to the Planning Board for Public Hearing and their recommendation.

Item # 8918 Action to consider a proposal to amend Charter II, of the Land Use and Development Code to add a new section to establish performance standards for different levels of home occupations. (Ordinance Committee Spon. 2-1)

Proposed

Order # 8918 Ordered, that the Town Council refer a proposal to amend Charter II, of the Land Use and Development Code, to add a new section to establish performance standards for different levels of home occupations, to the Planning Board for a Public Hearing and their recommendation.

Item # 8819 Action to consider accepting an easement from Martins Point Health Care, Inc.(Admin. Spon.)

Proposed

Order # 8819 Ordered, that the Town Council accept an easement from Martins Point Health Care, Inc. on a 14.65 acre parcel of land behind their new medical building on lower Main Street for low impact outdoor recreation, like hiking, nature observation, picnicking and education purposes.

Item # 8920 Action to consider amending the Council Rules to allow the Appointments Committee to use reasonable discretion on deciding when to interview applicants for Town Boards and Committees. (Appointments Com. Spon. 3-0)

Proposed

Order # 8920 Ordered, that the Town Council approve the following amendment to Section 4.3. 1 of the Council Rules:

4.3.1 Appointments Procedure.

1. Prior to recommending an applicant for service on the Planning Board, Board of Appeals or Economic Development Corporation, the Chair of the Appointments/Personnel Committee shall contact the Council Chair and the Chair of the volunteer board or committee to discuss the appointment or reappointment of the applicant.
2. Prior to recommending an applicant for service, ~~on the Planning Board, Board of Appeals, or Economic Development Corporation,~~ The the Town Council's Appointments/Personnel Committee shall may interview the applicant, ~~unless that applicant is currently serving on the committee.~~
3. The meeting agenda, the applications to be considered, and any other supporting documents shall be sent to Appointments/Personnel Committee members, in a timely manner, prior to the proposed meeting.
4. Applicants are encouraged to attend a meeting of the committee to which they wish to be appointed.

Item # 8921 Action to consider a proposal to amend the Policy for Disposal of Tax Acquired Properties. (Councilor Robinson Spon.)

Proposed

Order # 8921 Ordered, that the Town Council amend Section 4 of the Policy for Disposal of Tax Acquired Property to add a new paragraph 4 (d) as follows:

d. When the Town Council receives a recommendation regarding the disposition of tax acquired property from the Finance Committee, the Town Council will not engage in further negotiations with the prior owner(s) or any other party until the recommendation from the Finance Committee has been approved, or not approved, by a vote of the Town Council.

Item # 8922 Action to consider asking the Ordinance Committee to review Gorham's Solid Waste Flow Control Ordinance to update where appropriate, and to provide language that commercial dumpsters must be clearly marked with the name and phone number of the contractor who owns it.(Councilor Hartwell Spon.)

Proposed

Order # 8922 Ordered, that the Town Council ask the Ordinance Committee to review Gorham's Solid Waste Flow Control Ordinance to update, where appropriate and to add language that commercial dumpsters must be clearly marked with the name and phone number of the contractor who owns it.

Item #8923 Action to consider having the voting location moved from the Middle School to either Little Falls Activity Center or Great Falls Elementary School.(Councilor Hartwell Spon.)

Proposed

Order # 8923 Ordered, that the Town Council approve moving the voting location from the Middle School to either the Little Falls Activity Center or the Great Falls Elementary School.

Item #8924 Action regarding the June 9, 2015 School Budget Validation Referendum Election.
(Adm. Spon.)

Proposed

Order #8924 Ordered that the Town Council authorize the Town Clerk to issue the warrant for the June 9, 2015 School Budget Validation Election; and,
Be It Further Ordered, that the polls be open from 7:00 am until 8:00 pm; and,
Be it Further Ordered, that the Town Council appoint the following persons for the designated voting districts and if any of the following should fail to serve the Town Council hereby authorizes the Town Clerk to appoint substitutes:

District 1- Susan Emerson, Warden and Laurel Smith Ward Clerk

District 2 – Marty Towle, Warden, Nancy Kenty Ward Clerk

Central –Laurie Nordfors, Warden Paula Nystrom Ward Clerk

Be It Further Ordered, that the Registrar of Voters be in session during the hours of 8:00 am to 4:00 pm on Tuesday June 2nd, 2015 and Wednesday June 3rd, 2015; between the hours of 8:00 and 7:00 pm on Thursday June 4th, 2015, between the hours of 8:00 am

and 1:00 pm on Friday June 5th , 2015 and between the hours of 8:00 am and 4:00 pm on Monday June 8th , 2015, and

Be It Further Ordered, that the Town Clerk be authorized to process absentee ballots Tuesday June 9, 2015 at the Central Voting District at 9:00 am, 3:00 pm and 8:00 pm.

Item #8925 Action to dispose of a tax acquired Mobile Home that is in poor condition. (Admin. Spon.)

Proposed

Order # 8925 Ordered, that the Town Council write-off all outstanding taxes and costs for a Mobile Home located at 14 Chestnut Circle that was acquired by the Town through multiple foreclosed tax liens, and
Be It Further Ordered, that because the Mobile Home was inspected by the Town and is considered to be in very poor condition with little value, the Town Manager is authorized to convey the Mobile Home to Friendly Village to allow them to dispose of it.

Item #8926 Action to consider eliminating the 2 recycling containers located behind the Public Safety Building and the 2 recycling containers located at Public Works. (Councilor Phinney Spon.)

Proposed

Order #8926 Ordered, that the Town Council, recognizing that the 2 recycling containers located behind the Public Safety Building and the 2 recycling containers located at Public Works, create a mess with recycled material blowing around the area that requires constant maintenance and also attracts illegal dumping of trash that is difficult to enforce, creating an expense for Gorham Tax payers, eliminates the 4 recycling containers, effective the week of June 1, 2015.

Item # 8927 Action to go into executive session pursuant to Title 36, MRSA Section 841 (2) to review an application for an abatement of taxes based on poverty.(Admin. Spon.)

Proposed

Order #8927 Ordered, that the Town Council go into executive session pursuant to Title 36, MRSA Section 841 (2) to review an application for an abatement of taxes based on poverty.

Adjourn